

SECOND CIRCUIT NEW YORK

DAWA H. FOX, PRO-SE
APPELLANT

V.

MOTORS LIQUIDATORS, ET AL
APPELLEES

DOCKET # 11-CV-9087

MARCH 12, 2013

DOCKET # 12-1798bk

APR 12 2013

MOTION FOR RECONSIDERATION
AND LATE ENTRY (IF NECESSARY) JUST RECD
4/9/13

IT APPEARS, ALTHOUGH THE COURT MENTIONS LAW OR FACT THAT THE COURT NEEDS TO RECOGNIZE NINE YEARS OF LITIGATION AS A FACTUAL BASIS OF COMPENSATION AND RELIEF: NINE YEARS OF LITIGATION IS NOT A "MOOT" ISSUE. [OR FRIVOLOUS]

THE FACT THAT GENERAL MOTORS, INC. IS A REPEAT OFFENDER IS NOT A "MOOT" ISSUE. [OR FRIVOLOUS].

A REVIEW OF PRO-SE'S BRIEF & APPENDIX EXEMPLIFIES THE PRESENCE OF FACT AND LAW AS DOES THE ENTIRE RECORD: RIGHT DOWN TO GENERAL MOTORS, INC.

GOING TO BE HELD IN CONTEMPT OF COURT FOR FAILURE TO ANSWER A COURT ORDERED SUBPOENA IN CIRCUIT COURT IN FLORIDA [FACT & LAW]: [Criminal CHOSE BANKRUPTCY] * TO AVOID. *

MR. FOX PRO-SE MOTIONED THIS COURT AND THE QUESTION IS RAISED IN ALL COURTS INVOLVED OF, PREVIOUS LITIGATION [IN PAPER FILES] THAT MUST BE RECOGNIZED AS A FURTHER BASIS TO ESTABLISH FACT AND LAW; AND DOES NOT WARRANT A REFERENCE OF "FRIVOLOUS" OR "MOOT". THIS ALLEGEDLY HONORABLE COURT CANNOT IGNORE THE SUBSTANCE OF THIS MATTER AS IT RISKS BEING "MOOT" BY ITS LACK OF APPROPRIATE ACTION [SORRY]; AND ALSO RISKS DERELICTION OF DUTY IN ITS DISMISSAL. WHEREFORE, THIS MOTION FOR RECONSIDERATION.

I CERTIFY TRUE COPIES SENT TO
U.S. BANKRUPTCY COURT BY U.S.
U.S. DISTRICT COURT MAIL
WELL, CASHAL MARRIES FOR MOTORS
ON THIS DATE LIQUIDATORS
4/9/13
D.H.-7.

RESPECTFULLY SUBMITTED

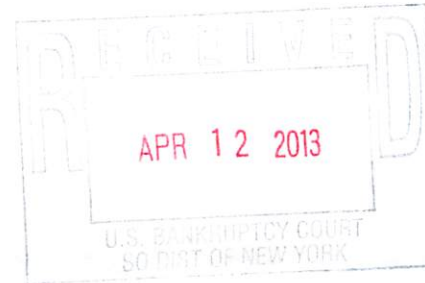
D.H.-7 PRO-SE
DAWA H. FOX " "

SECOND CIRCUIT NEW YORK

DANA H. FOX, PRO-SE
APPELLANTV.
MOTOR LIQUIDATORS, ET AL
APPELLEES

Docket # 11 cv 9087

March 12, 2013 Docket # 12-798bk

MOTION FOR A DIFFERENT
TRIBUNAL
AND ADDENDUM TO
MOTION FOR RECONSIDERATIONMR. FOX PRO-SE FILES THIS MOTION FOR A
DIFFERENT TRIBUNAL FOR THIS RECONSIDERATION
TO ENSURE IMPARTIALITY.

IT IS ALSO NOTED, IN ADDENDUM, THAT THE COURT CANNOT IGNORE THE FACT THAT BANKRUPTCY COURT RECOGNIZED THE NEED TO COMPENSATE MR. FOX, PRO-SE FOR THE AUTOMOBILE IN QUESTION. HOW CAN THIS COURT REFUSE TO RECOGNIZE THAT ADDITIONAL RELIEF AND COMPENSATION IS JUST AS \$DAMAGES AWARDS FOR TIME [AND ALL THE AGGRAVATION THAT GOES ALONG WITH TIME EXPENDITURE]... \$REPEAT OFFENSE ~~OF~~ DESIGNING COMPLICATED FUNCTIONS IN AN AUTOMOBILE SO AS TO BE POTENTIALLY LIFE THREATENING. \$REPEAT OFFENSE OF MIS-MANAGING A MAJOR U.S. & INTERNATIONAL CORPORATION TO THE POINT OF BANKRUPTCY [TO AVOID A COURT ORDERED SHUTDOWN?]

WHEREFORE THIS MOTION FOR A DIFFERENT TRIBUNAL AS THE FIRST FAILED TO RECOGNIZE ITS LEGAL RESPONSIBILITY. AND THIS ADDENDUM IS ALSO SUBMITTED.

I CERTIFY THAT TRUE COPIES ARE
SERVED BY U.S. MAIL TO:
U.S. BANKRUPTCY COURT
U.S. DISTRICT
WELL CAPITAL MANAGER FOR
MOTOR LIQUIDATORS
ON THIS DATE 4/9/13
D.H. Fox

RESPECTFULLY SUBMITTED
D.H. Fox, PRO-SE
DANA H. FOX " "

Fox
955 MASS. AVE.
KISS
CAMBRIDGE, MASS,
02139



U.S. BANKRUPTCY COURT SOUTH
1 BOWLING GREEN RM-534
N.Y., N.Y. 10004-1408

USMB
SDNY

APR 12 2013

ATT: JUDGE GERBER

1000431400



CLOSED

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:11-cv-09087-SAS
Internal Use Only

Motors Liquidation Company et al v. Motors Liquidation Company
Assigned to: Judge Shira A. Scheindlin
Case in other court: USBC-SDNY, 09-B-50026 (REG)
Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA

Date Filed: 12/31/2011
Date Terminated: 03/26/2012
Jury Demand: None
Nature of Suit: 422 Bankruptcy Appeal (801)
Jurisdiction: Federal Question

In Re

Motors Liquidation Company
formerly known as
General Motors Corporation

Debtor

Motors Liquidation Company
formerly known as
General Motors Corporation

Appellant

Dana H. Fox

represented by **Dana H. Fox**
1500A Lafayette Rd.
#192
Portsmouth, NH 03801
PRO SE

V.

Appellee

Motors Liquidation Company
formerly known as
General Motors Corporation

represented by **Joseph H. Smolinsky**
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
(212) 310-8767
Fax: (212) 310-8007
Email: joseph.smolinsky@weil.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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U.S. BANKRUPTCY COURT - CHAPTER 11 CASE NOS. NEW CASE NUMBERS HERE
 DEBTOR: MAJESTIC CAPITAL LTD., 2515 SOUTH ROAD P.O. BOX 1999, POUGHKEEPSIE, NY 12601
 ATTORNEY: Attorney's name and address, , ATTN:
 CASE FILE DATE: 04/29/11

CASE	CLAIMANT NAME & ADDRESS	CLAIM #	AMOUNT/DESCRIPTION	DATE	REMARKS
11-36	LORETTO HEALTH AND REHABILITATION CENTER LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01412	2,639,152.35 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	PHILIPS MEMORIAL HOSPITAL CENTER LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01413	686,316.38 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	LORETTO HEALTH SUPPORT, LLC LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01414	65.31 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	REGIS CARE CENTER, LLC DBA ROFAV NURSING HOME; LINDA CLARK, ESQ HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01415	1,390,671.71 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	LORETTO MANAGEMENT CORPORATION LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01416	2,571,636.62 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	OZONE ACQUISITION, LLC DBA CENTRAL ISLAND HEALTH CARE HISCOCK & BARCLAY, LLP; LINDA CLARK ALBANY, NY 12207	01417	838,936.56 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	RIVER MANOR CORP. DBA RIVER MANOR HEALTH RELATED FACILITY HISCOCK & BARCLAY, LLP; LINDA CLARK ALBANY, NY 12207	01418	249,315.07 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	LORETTO REST RESIDENTIAL HEALTH CARE FAC LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP ALBANY, NY 12207	01419	4,449,943.63 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454

EPIQ BANKRUPTCY SOLUTIONS, LLC

12/13/2011	<u>1</u>	NOTICE OF APPEAL FROM THE BANKRUPTCY COURT TO THE S.D.N.Y. from the Order of Judge Robert E. Gerber Bankruptcy Court Case Numbers: 09-B-50026 (REG). Certified copies of file received.Document filed by Dana H. Fox. Appellant Brief due by 1/3/2012.(bkar) (Entered: 12/13/2011)
12/13/2011	<u>2</u>	AMENDED NOTICE OF APPEAL FROM THE BANKRUPTCY COURT TO THE S.D.N.Y. from the Order of Judge Robert E. Gerber amending <u>1</u> Bankruptcy Appeal,.Document filed by Dana H. Fox. Appellant Brief due by 12/27/2011. Related document: <u>1</u> Bankruptcy Appeal, filed by Dana H. Fox.(bkar) (Entered: 12/13/2011)
12/13/2011	<u>3</u>	Mailed letter to the United States Bankruptcy Court - Southern District of New York as notification of filing of Bankruptcy Notice of Appeal (Case Number: 09-B-50026 (REG).) with the U.S.D.C. - S.D.N.Y. and the assignment of S.D.N.Y. Case Number: 11-cv-9087. (ama) (Entered: 12/13/2011)
12/13/2011	<u>4</u>	Mailed notice to the attorney(s) of record. (ama) (Entered: 12/13/2011)
02/06/2012	<u>3</u>	MOTION for Leave to Proceed in forma pauperis. MOTION for late entry Document filed by Dana H. Fox.(js) (Entered: 02/16/2012)
02/06/2012	<u>4</u>	MOTION for Late Entry (Toll Statute of Limitations) and Motion to Proceed In Forma Pauperis. Document filed by Dana H. Fox.(mro) (Entered: 02/17/2012)
02/21/2012	<u>5</u>	ORDER: The appellee may have until March 7, 2012, in which to oppose the motions. The appellant may have until March 16, 2012, in which to submit a reply, if any. These dates are fixed and not subject to adjournment for any reason. Responses due by 3/7/2012 Replies due by 3/16/2012. (Signed by Judge Shira A. Scheindlin on 2/17/2012) (ft) (Entered: 02/21/2012)
03/07/2012	<u>6</u>	MEMORANDUM OF LAW in Opposition re: <u>3</u> MOTION for Leave to Proceed in forma pauperis. MOTION for late entry and to proceed in forma pauperis., <u>4</u> MOTION for Late Entry (Toll Statute of Limitations) and Motion to Proceed In Forma Pauperis.. Document filed by Motors Liquidation Company. (Smolinsky, Joseph) (Entered: 03/07/2012)
03/13/2012	<u>7</u>	ORDER: Appellant Dana H. Fox, proceeding pro se, has filed motions to proceed in forma pauperis and for late entry (toll statute of limitations). As required in the February 21, 2012 Order, the appellee filed its opposition to the motions on March 7, 2012. Because the mailing of the February 21, 2012 Order to appellant was returned to sender, the appellant may now have until March 23, 2012, in which to submit a reply, if any. Replies due by 3/23/2012. (Signed by Judge Shira A. Scheindlin on 3/13/2012) (ft) (Entered: 03/13/2012)
03/26/2012	<u>8</u>	MEMORANDUM OPINION AND ORDER: #101626 According to OM, Fox can still receive much of the money that he claims is owed to him by returning to the Bankruptcy Court. He is encouraged to follow this procedure. Because it is untimely, Fox's appeal is denied. The Clerk of the Court is directed to close these motions [Docket Nos. 3 and 4] and this case and return it to the Bankruptcy Court for resolution. (Signed by Judge Shira A. Scheindlin on 3/26/2012) (rdz) Modified on 3/30/2012 (jab). (Entered: 03/27/2012)

EPIQ BANKRUPTCY SOLUTIONS, LLC

CASE	CLAIMANT NAME & ADDRESS	CLAIM #	AMOUNT/DESCRIPTION	DATE	REMARKS
11-36	PHILIPS MEMORIAL HOSPITAL CENTER LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP 80 STATE STREET ALBANY, NY 12207	01420	686,316.38 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	RIVERHEAD CARE CENTER LLC LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP 80 STATE STREET ALBANY, NY 12207	01421	1,503,390.30 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	ROSS HEALTH CARE CENTER, INC. LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP 80 STATE STREET ALBANY, NY 12207	01422	277,354.69 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	MADISON YORK ASSISTED LIVING COMM. LLC LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP 80 STATE STREET ALBANY, NY 12207	01423	114,641.75 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	MADISON YORK ASSISTED LIVING PROGRAM LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP 80 STATE STREET ALBANY, NY 12207	01424	69,189.27 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	REGENTS CARE CENTER LLC LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP 80 STATE STREET ALBANY, NY 12207	01425	1,390,671.71 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	RMB CORP. DBA FORT CHESTER NURSING & REHAB CENTER HISCOCK & BARCLAY, LLP; LIND CLARK ESQ 80 STATE STREET ALBANY, NY 12207	01426	620,483.10 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454
11-36	MICHAEL TENENBAUM DBA RESORT NURSING HM LINDA CLARK, ESQ. HISCOCK & BARCLAY, LLP 80 STATE STREET ALBANY, NY 12207	01427	476,225.22 CLAIMED UNSECURED ***** WITHDRAWN *****	09/29/11	DOCKET NUMBER: 454

U.S. BANKRUPTCY COURT -
CHAPTER 11 CASE NOS. NEW CASE NUMBERS HERE
DEBTOR: MAJESTIC CAPITAL LTD., 2515 SOUTH ROAD P.O. BOX 1999, POUGHKEEPSIE, NY 12601
ATTORNEY: Attorney's name and address, , ATTN:

CASE FILE DATE: 04/29/11